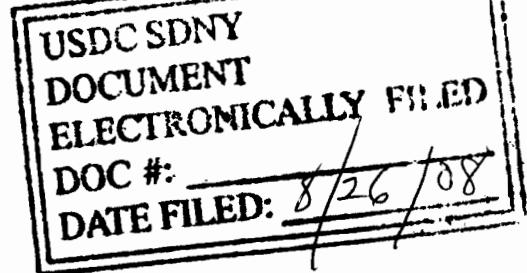


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**JASON WINTERS,**

Plaintiff,



**ORDER**

:  
- against -

**08 Civ. 1492 (SAS)**

**CITY OF NEW YORK, et al.,**

Defendants.

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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

A review of the Court records indicates that the Complaint in this action was filed on February 13, 2008, and that there is no proof of service of the summons and complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice, as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

On April 1, 2008, this Court issued an Order directing plaintiff to effect service by June 27, 2008. Because plaintiff in this action has failed to timely serve the defendants, the above captioned action is hereby dismissed. The Clerk of the Court is directed to close this case.

SO ORDERED:



\_\_\_\_\_  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
August 26, 2008

**- Appearances -**

**Plaintiff (Pro Se):**

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